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#16
7/23/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Michelle Baker

SERIAL NO.: 09/209,162

GROUP ART UNIT: 2776

FILED: December 10, 1998

EXAMINER: C. Paula

FOR: Electronic Mail Software
with Modular Integrated
Authoring/Reading Software
Components

ATT'Y DOCKET: BAK-004

Honorable Commissioner of Patents
and Trademarks
Washington, D.C. 20231

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JUL 22 2002

Technology Center 2100

DECLARATION UNDER 37 CFR §1.131

I, Thomas A. Gallagher, declare that:

I am an attorney of record in the above captioned
application.

According to my time records, I first spoke with Michelle
Baker about this invention on August 13, 1998. Although I note
that Michelle's diary indicates a conversation with me on August
12, 1998, it is my habit not to enter time records for short
telephone calls.

On August 13, 1998, I had two lengthy telephone conversations with Michelle regarding the patentability of the "Kidcode" software. We discussed this again on August 14 and 21, 1998.

During August and September 1998, I was relatively busy. When I spoke with Michelle, I was working on another complex patent application which eventually issued as U.S. Patent Number 6,272,524, entitled "Distributed Processing Systems Incorporating a Plurality of Cells which Process Information in Response to Single Events." During this time I was also involved in drafting a motion for summary judgment in a patent litigation which was eventually settled, preparing a brief for the CAFC in an appeal, In re Dembiczak, 50 USPQ2d 1614, (Fed. Cir. 1999).

On September 14, 1998, I reviewed an invention disclosure from Michelle to estimate the cost of preparing a patent application and on September 17, 1998, I discussed the disclosure with Michelle.

Between September 17 and October 30, I was occupied with the preparation of the same patent application described above, was still occupied with settling the patent litigation, became involved in a copyright infringement regarding the MISTO® sprayer, became involved in a trademark dispute regarding the trademark ASPEN®, prepared a patent application for a stent-graft, and

prepared a patent application regarding a fiber optic pressure sensor.

On October 30, 1998, I began preparation of a draft patent application. I continued working substantially every day until November 11, 1998.

From November 12 until November 16, 1998, I was taken up with other matters. I resumed work on this application on November 16, 1998 and continued until November 23, 1998 when the first draft was completed.

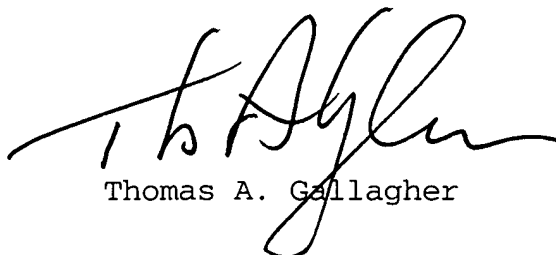
On November 30, 1998, I reviewed additional documents from Michelle and on December 3, 1998, I reviewed Michelle's comments on the first draft.

Between December 4, 1998 through December 9, 1998, I completed the final draft which was filed on December 10, 1998.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the

application or document or any patent or registration resulting
therefrom.

July 12, 2002



Thomas A. Gallagher